

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

**THURSDAY, THE NINTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR**

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

WRIT PETITION NO : 13916 of 1993

Between:

P.Nageswara Rao S/o P.Satyanarayana, Hindu, aged 30 years, Tech.Civil
(L-3), Madharam Dolomite Mine, Visakhapatnam Steel Project, Madharam,
Khammam District – 507 122.

..... PETITIONER

AND

Visakhapatnam Steel Project, represented by
Its Chairman & Managing Director, Visakhapatnam

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ, order or direction particularly a Writ in the nature of Mandamus declaring that the petitioner is entitled for pay protection on his joining with respondent organization and consequently direct fixation of payment of his pay and other allowances by taking his pay drawn under his erstwhile employer with all consequential and attendant benefits including arrears.

Counsel for the Petitioner: P.B.VIJAY KUMAR

Counsel for the Respondent : MR.V.RAVINDER RAO

The Court made the following :

ORDER :

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This Writ Petition is filed by the petitioner seeking direction to the respondents to protect his pay on joining the respondent's organization as Junior Trainee.

2. The petitioner was working in Andaman Harbour Works. He worked there from 17.01.1984 to December, 1987. While so, a notification was issued by the respondent calling for the applications for appointment of the post of Junior Trainee. Accordingly, he appeared for the interview on 15-12-1987 and consequential tests. Finally he was selected and appointed as Junior Trainee. After completion of training, he was regularly appointed under the respondent's organization. However, the petitioner's claim is that he is entitled for pay protection in respect

of the pay scales received by him while he was in the employment of Andaman Harbour Works and therefore he seeks appropriate directions.

3. The learned Counsel appearing for the respondent's organization submits that the Fundamental Rules 22 and 27 do not apply to the respondent's Organisation and therefore the prayer as made by the petitioner in the Writ Petition is only misconceived.

4. I have heard the learned Counsel for the respondent.

5. It is not in dispute that the petitioner was appointed as Junior Trainee, while he was working earlier in Andaman Harbour Works. There is no rule to protect the service and wages drawn by him in the earlier employment, consequent to his appointment under respondent's organization. Admittedly, the Fundamental Rules cannot be made applicable to the respondent's organization, as it is a Government of India undertaking, which is not Central Government. Under those circumstances, the prayer as made by the Writ Petitioner is wholly unsustainable.

6. Accordingly, the Writ Petition is dismissed. No costs.

G. BIKSHAPATHY, J

Dated:09-09-2004

Ccm/prv

To:

- 1. The Chairman & Managing Director,Visakhapatnam Steel Project,
Visakhapatnam
- 2. 2 CD Copies

To:

- 1 The Managing Director, Palair Cooperative Sugars Ltd
Palair cooperative sugars ltd, Rajeshwarapuram,
Khammam dist.
- 2 The Commissioner of Labour A.P. Hyderabad.
Andhra Pradesh, Hyderabad.
- 3 The Assistant Commissioner of Labour,
Khammam.
4. Two CCs to the G.P. for Labour, High Court, Buildings, Hyderabad (OUT)
5. Two C.D. Copies.

